

1 BARRY J. PORTMAN
2 Federal Public Defender
2 MANUEL U. ARAUJO
3 Assistant Federal Public Defender
3 160 West Santa Clara Street, Suite 575
3 San Jose, CA 95113
4 Telephone: (408) 291-7753

5 Counsel for Defendant RODRIGUEZ-CHAVEZ

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 11-00228 LHK
12 Plaintiff,)
13 v.)
14 FAUSTO RAMON RODRIGUEZ-)
15 CHAVEZ,)
16 Defendant.)
16 _____

**STIPULATION AND [PROPOSED]
ORDER CONTINUING HEARING
DATE AND EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT**

17 Defendant and the government, through their respective counsel, subject to the court's
18 approval, hereby stipulate that the Court continue the status hearing in the above-captioned
19 matter, presently scheduled for, December 21, 2011 at 10:00 a.m. to February 8, 2012, at
20 10:00 a.m. The reason for the continuance is defense counsel's unavailability because of a recent
21 death in defense counsel's family, and continuity of counsel.

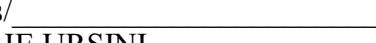
22 The parties further agree and stipulate that time should be excluded from and including
23 December 21, 2011, through and including February 8, 2012, to provide counsel reasonable time
24 to prepare, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly,
25 the United States and the defendant agree that granting the requested exclusion of time will serve
26 the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

1 IT IS SO STIPULATED.

2 Dated: December 14, 2011

3 
4 /s/
MANUEL ARAUJO
Assistant Federal Public Defender

5 Dated: December 14, 2011

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7 /s/
ANN MARIE URGINI
Special, Assistant United States Attorney

[PROPOSED] ORDER

8 GOOD CAUSE APPEARING, and by stipulation of the parties, IT IS HEREBY
9 ORDERED that the status conference hearing in the above-captioned matter shall be continued
10 from December 21, 2011, at 10:00 a.m., to February 8, 2012, at 10:00 a.m.

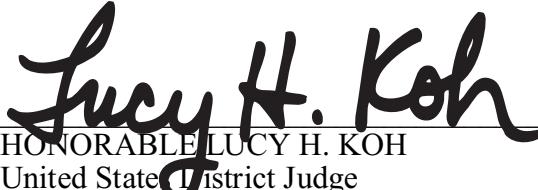
11 THE COURT FINDS that failing to exclude the time between December 21, 2011, and
12 February 8, 2012, would unreasonably deny the defendant's continuity of counsel, and would
13 unreasonably deny counsel the reasonable time necessary for effective preparation, taking into
14 account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

15 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
16 between December 21, 2011, and February 8, 2012, from computation under the Speedy Trial
17 Act outweigh the interests of the public and the defendant in a speedy trial.

18 THEREFORE, IT IS HEREBY ORDERED that the period of delay from December 21,
19 2011, through and including February 8, 2012, be excluded for purposes of Speedy Trial Act
20 computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and
21 3161(h)(7)(B)(iv).

22 IT IS SO ORDERED.

23 Dated: December 15, 2011

24 
25 HONORABLE LUCY H. KOH
26 United States District Judge